

ORIGINAL

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FILED IN THE
U.S. DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

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JAMES R. LARSEN, CLERK
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12 UNITED STATES DISTRICT COURT
14 FOR THE EASTERN DISTRICT OF WASHINGTON

18 RONALD and SHRILEY BEYDLER,
(Husband and Wife)

22 Plaintiffs,
vs.

24 MRS ASSOCIATES, INC. and
26 LINDA MOORE

28 Defendants.

CS-03-0120-RHW

30 COMPLAINT FOR VIOLATION OF
32 THE FAIR DEBT COLLECTION
34 PRACTICES ACT, THE WASHINGTON
STATE COLLECTION AGENCY ACT
and THE WASHINGTON CONSUMER
PROTECTION ACT

36 Plaintiffs, Ronald and Shirley Beydler, by and through their attorney, Timothy W.
38 Durkop of Durkop Law Office, allege the following:

- 40 1. Plaintiffs are each a "consumer" as defined by the FDCPA, 15 USC § 1692a(3).
42 2. Defendants are each a "debt collector" as defined by FDCPA, 15 USC
44 §1692a(6).



- 2 3. Defendants were each attempting to collect a "debt" as defined by FDCPA, 15
4 USC § 1692a(5). The alleged debt was an obligation or alleged obligation of the
6 Plaintiffs to pay money arising out of a transaction primarily for personal, family,
8 or household purposes.
- 10 4. Now, and at all relevant times, plaintiffs were each a resident of the state of
12 Washington residing within the territorial jurisdictional area of the United States
14 Bankruptcy Court for the Eastern District of Washington.
- 16 5. Defendant are each a debt collector engaged in the business of collecting debts
18 within the State of Washington which were originally owed another.
- 22 6. The principal purpose of each of the Defendant's business activities within the
24 state of Washington is the collection of debts originally owed another using the
26 mails and telephone, and Defendants each regularly attempts to collect debts
28 alleged to be due another or originally owed to another. Defendants each do
30 business as a "debt collector" in the Eastern District of Washington of the United
32 States District Court as defined by the FDCPA, 15 USC § 1692a(6).
- 34 7. Defendant MRS Associates, Inc. (MRS) is a New Jersey Corporation. It is
36 registered with the state of Washington as a foreign corporation. It is licensed
38 with the Washington State Department of Licensing as a collection agency.
- 40 8. Defendant Linda Moore is an individual. Plaintiff does not know her marital
42 status. If she is married, all of her acts were done for the benefit of her marital



2 community.

4 9. The acts of each defendant were done for the benefit of each other and done in
6 concert for a common goal.

8 10. Through June and July of 2002 the defendants were attempting to collect a debt
10 from the plaintiffs.

12 11. After the plaintiffs received the initial notice from the defendants, the plaintiffs
14 demanded verification of the debt.

16 12. The defendants did not stop collection activity to verify the debt.

18 13. The plaintiffs did not owe any money to the defendants.

20 14. The defendant threatened to collect more than legally allowed.

22 15. The defendants made false representations in the letter directly and indirectly by
24 use of innuendo. The defendants threatened legal action against the plaintiffs.

26 At the time the defendants made the threat to sue the plaintiffs, the defendant did
28 not intend to bring legal action.

30 16. The defendants threatened to impair the plaintiffs credit rating if the alleged debt
32 was not paid.

34 17. Defendants actions constitute multiple violations of the Fair Debt Collection
36 Practices Act.

38 18. The defendants unlawful conduct caused damage to the plaintiffs in the form of
40 mental anguish and other damages.



- 2 19. The defendants actions caused the plaintiffs to pay the debt for which they were
4 not legally responsible.
- 6 20. The defendants called the plaintiff more than three times in a seven day period.
- 8 21. The defendants engaged in other acts which violate the Washington State
10 Collection Agency Act.
- 12 22. The collection of debts is a matter of public interest.
- 14 23. The defendants' actions in violation of the Washington State Collection Agency
16 Act constitute a deceptive act or practice for application of the Washington State
18 Consumer Protection Act.
- 20 24. The defendants' actions caused injury to the plaintiffs' property.
- 22 25. The defendants' actions caused damages to the plaintiffs.

26 WHEREFORE, Plaintiff prays for the following relief:

- 28 1. An award of a judgement for general and special damages for the plaintiff in the
30 amount proven at trial.
- 32 2. An award of judgment for statutory damages pursuant to 15 USC §1692k (2)(A)
34 for each violation of the act against each defendant.
- 36 3. An award of attorney fees as provided by the Fair Debt Collection Practices Act.
- 38 4. An award of treble damages as provided by the Washington State Consumer
40 Protection Act.
- 42 5. An award of costs of the lawsuit.



6. Any other relief the court deems proper.

Dated: 4-11-03

By:

Durkop Law Office

Timothy W. Durkop 22985
Attorney for the Plaintiff

